
(1963) 11 MAD CK 0026
In the Madras High Court
Case No : Writ Appeal No. 184 of 1962

Venkatasami Naidu and Others

APPELLANT

Vs

State of Madras

RESPONDENT

Date of Decision : 07-11-1963

Acts Referred:

Land Acquisition Act, 1894 — Section 18

Citation : AIR 1964 Mad 434

Hon'ble Judges : S. Ramachandra Iyer, C.J.; Ramakrishnan, J

Bench : Division Bench

Advocate : T.V. Balakrishnan and N. Vanchinathan, for the Appellant; Addl. Govt. Pleader, for the Respondent

Final Decision : Allowed

Judgement

S. Ramachandra Iyer, C.J.—This appeal from the judgment of Jagadisan J., arises out of an application filed by the appellants herein for the

issue of a writ of mandamus to direct the Tahsildar and Land Acquisition Officer, Krishnagiri, to make a reference u/s 18 of the Land Acquisition

Act. The award was delivered on 22nd September, 1957. Within six weeks therefrom, on 7-10-1967, the appellants addressed a letter to the

Tahsildar and Land Acquisition Officer expressing their extreme disappointment on the amount fixed as compensation and stating that the amount

of compensation, which included the value of the site as well as the standing trees, was very low. The letter which is in tamil further reads :

As you have not taken into account our objections and the record produced by us and as you have not included the value of the trees, the amount

now determined by you is very low. We hereby make known to you that we are not in a position to accept that amount as compensation.

Reading between the lines one can easily see that the appellants did want proper compensation being awarded to them. One can reasonably draw

the inference that they wanted the Tahsildar to take appropriate steps to secure that end as otherwise there will be no meaning for that letter at all.

In a recent case, W. A. No. 150 of 1963 (Mad), we had a similar situation. The statement, in a letter to the Tahsildar in that case was that the

market value of the land was really higher than what has been estimated. We held that the implication of that letter was that the respondent did not

accept the estimate and that he sought for a reference to Court. In the present case the position is even clearer. The appellants have expressly

stated that they are not accepting the compensation. We have no hesitation in holding that the implication of this letter is that they have asked for a

reference u/s 18 of the Act.

2. The appeal is allowed and a writ will issue in terms prayed for. The appellants will have their costs here.